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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/894,274

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Marcellino Tanumihardja

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SEED INTELLECTUAL PROPERTY LAW GROUP PLLC

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SUITE 6300

SEATTLE, WA 98104-7092

EXAMINER

POINVIL, FRANTZY

ART UNIT

PAPER NUMBER

3628

DATE MAILED: 01/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/894,274	Applicant(s) TANUMIHARDJA ET AL.	
	Examiner Frantzy Poinvil	Art Unit 3628	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 October 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-78 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-78 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>10/11/05</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Applicant's statement of "amended/cancelled claims" is unclear since it appears that the status of all the claims (claims 1-78) remains as pending. It appears that no claims are canceled.

Applicant's arguments regarding In Re Hyatt is moot since the 112, first paragraph rejection is withdrawn.

The applicant disagrees with the Examiner's analysis of the claimed message-structure item but gives no specific reasons for disagreeing with the Examiner.

It appears that the applicant desires to bring arguments at a later time but at the same time presents views of disagreeing with the prior Office action, thus presenting conflicting views. The applicant is welcome to challenge the Examiner's position by presenting proper arguments related to any concerns or confusion found in the instant Office action.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-20, 23-42 and 45-62, 65-76 and 78 are rejected under 35 U.S.C. 102(e) as being anticipated by Joao et al. (US Patent No. 6,539,725).

As per claims 1-20, 23-42, 46-62, 65-76 and 78, in the system of Joao et al, a user presents a card for the payment of a transaction to a sales clerk or operator. The operator swipes the card causing transaction data and card information to be sent to a central computer. The central computer then transmits a communication to a cardholder's wireless device and to the POS terminal. See column 4, lines 35-66, column 6, lines 9-65. Thus, Joao et al teach a system and method comprising:

Receiving at a wireless device associated with a first user (a user's wireless communication device of Joao et al) a communication (transaction and card information data of Joao et al) from a computational entity (the central computer of Joao et al) that sends the communication to at least one other device associated with a second user (the POS of Joao et al) and

transmitting at least one payment transaction authorization associated with input responsive to the communication and the wireless device.

Applicant is directed to column 4, lines 35-66 and column 6, lines 9-65 and column 26 of Joao et al.

Both the wireless device and the computational entity accept voice data and alphanumeric user input data. Note column 6, line 48 to column 7, line 48 and column 10, lines 30-67. The system and method further comprise steps or means for accepting user input that activates a profile containing pre-stored financial data, pre-stored credit, debit card and check handling information data. See column 7, lines 41-

67 and column 11, lines 20-55 and column 16. The authorization is effected by user input to a computational entity through a wireless device in response to a presentation of a message through the wireless device. See column 7, lines 8-32 and column 10, lines 31-67. The wireless device includes a visual presentation device and an audio presentation device. Note column 10, lines 31-67. The price is also presented through the wireless device. See column 6, lines 23-47.

As per claim 45, Joao et al disclose all the claimed features. Joao et al disclose a system of tracking a financial transaction and circuitry for authorization at least one payment transaction wherein the authorization is effected by user input to a computational entity through a wireless device as discussed. Applicant is directed to column 4, line 48 to column 10, line 67. The circuitry is selected from an electrical group including electrical circuitry having at least one discrete electrical circuit, electrical circuitry having at least one integrated circuit, electrical circuitry having at least one application specific integrated circuit, electrical circuitry forming a general purpose computing device configured by a computer program, electrical circuitry forming a memory device and/or electrical circuitry forming a communications device and

Circuitry for transmitting at least one payment transaction authorization associated with input responsive to the communication and the wireless device, the circuitry is selected from an electrical-circuitry group including electrical circuitry having at least one discrete electrical circuit, electrical circuitry having at least one integrated circuit, electrical circuitry having at least one application specific integrated circuit, electrical circuitry forming a general purpose computing device configured by a

computer program, electrical circuitry forming a memory device, and/or electrical circuitry forming a communications device. See figures 1 and 2 of Joao et al.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 21-22, 43-44, 63-64 and 77 are rejected under 35 U.S.C. 103(a) as being unpatentable over Joao et al (US Patent No. 6,529,725).

As per claims 21, 43, 63 and 77, the teachings of Joao et al are discussed above. Joao et al do not explicitly teach the step of presenting the price being in conjunction with at least one message-structure item comprises all the recited items. Joao et al teach the price and transaction information are presented and a reply is expected from the user. The Examiner submits that in the system of Joao et al, a plurality of financial transactions is effected and a message is transmitted to the user wherein the message is a visual, text or audio message. As per the specific types of items being claimed, the Examiner notes that such do not affect the functioning of the system of Joao et al as such are only types of data relevant to a type of financial transactions. Thus, the Examiner submits that no patentable differences exist. Incorporating such types of data in the system of Joao et al would have been obvious to

one of ordinary skill in the art at the time of the invention in order to inform a client or user to submit a response related to an approval/denial of a given type of transactions.

As per claims 22, 44 and 64, the teachings of Joao et al are discussed above. Joao et al do not explicitly teach transmitting at least one payment transaction authorization associated with input responsive to the communication and the wireless device comprises accepting input associated with the at least one payment transaction through the wireless device having a browser selected from the group that includes a WML capable browser, a CHTML capable browser, a Pocket IE HTML capable browser, a Palm Query Application capable browser and a voice XML capable browser. Joao et al teach that a plurality types of wireless devices may be used in their system. Note column 10, lines 3-14 and lines 42-67. Types of wireless devices having a browser capability are well known in the art at the time of applicant's invention. Joao et al further state communicating transaction data via the Internet. Note column 10, lines 3-14. Incorporating a wireless device having a browser capability in the system of Joao et al would have been obvious to one of ordinary skill in the art at the time of the invention for instant communication purposes through the Internet so as to communicate transaction data to/from a client.

Conclusion

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Frantzy Poinvil whose telephone number is (571) 272-6797. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sam Sough can be reached on (571) 272-6799. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Frantzy Poinvil
Primary Examiner
Art Unit 3628

FP
January 4, 2006